

UNITED STATES DISTRICT COURT
THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

**IN RE: DAVOL, INC./C.R. BARD,
INC., POLYPROPYLENE HERNIA
MESH PRODUCTS LIABILITY
LITIGATION**

Case No. 2:18-md-2846

**Judge Edmund A. Sargus, Jr.
Magistrate Judge Kimberly A. Jolson**

This document relates to:

McCluskey v. Davol, Inc., et al.

Case No. 2:23-cv-2724

ORDER

On August 16, 2021, Plaintiff Teri McCluskey filed a complaint in Rhode Island Superior Court under Case No. PC-2021-05342. (ECF No. 4.) On August 24, 2023, through different counsel, Plaintiff filed a complaint in this MDL, alleging injuries caused by a Marlex hernia mesh device. (ECF No. 1.) According to Defendants, Plaintiff “sent a draft stipulation of dismissal for the instant case seeking Defendants’ review and consent to file,” and Defendants consented to the dismissal. (ECF No. 4.) However, “Plaintiff has never responded or filed the stipulation of dismissal despite Defendants[’] numerous emails over the past three months.” (*Id.*) Because the claims in this case and Case No. PC-2021-05342 overlap, and because Plaintiff never filed the stipulation of dismissal, Defendants have filed a motion to dismiss this case. (*Id.*) Plaintiff did not file a response, and the Court will therefore treat the motion as unopposed. Accordingly, Defendants’ motion (ECF No. 4) is **GRANTED** and this case is **DISMISSED**.

IT IS SO ORDERED.

2/6/2024
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE